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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,261	08/03/2006	Yoshifumi Yonemoto	L9289,06176	6464
52989 7590 06/18/2009 Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006				
EXAMINER				
BAIG, ADNAN				
ART UNIT		PAPER NUMBER		
2416				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/588,261

**Applicant(s)**

YONEMOTO ET AL.

**Examiner**

ADNAN BAIG

**Art Unit**

2416

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/10/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/10/2009 have been fully considered but they are not persuasive. In regards to claim 12, the applicant argues the data receiving terminal determines whether or not to "display" the received broadcast notification information by referring to stored information and broadcast notification identifier information indicating whether the broadcast notification is necessary or unnecessary. Based on the teachings of Kim et al US (2003/0225512) in paragraphs [0049] & [0066] and Fig. 1 Item 121, the limitation of "determining whether or not to display the received broadcast notification information" would have been obvious to one of ordinary skill in the art in order to view necessary broadcast data as taught within the system of OOe (US 6,330,238).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 2003/0225512) in view of Ooe (US 6,330,238).

Regarding Claim 12, Kim discloses a broadcast data receiving terminal comprising:

a receiving section (**See Fig. 1 & paragraph [0051]**) that receives broadcast notification information containing a broadcast notification information identifier and broadcast data, (**See Paragraphs [0054-0056]**).

the broadcast notification information identifier correlated with the information indicating whether the broadcast notification is necessary or unnecessary, (**Referring to Fig. 1, item 103 searches only for traffic data that is necessary for the user which is then selected by Item 107, see paragraph [0049]**).

a determining section (**See Fig.1, Item 107**) that determines whether or not to display (**See Fig. 1 Item 121 & Paragraph [0066]**) the received broadcast notification information by referring to the broadcast notification information identifier and the information indicating whether the broadcast notification is necessary or unnecessary stored in the saving section using the broadcast notification information identifier contained in the received broadcast notification information, (**Kim teaches sending only necessary broadcast data to a user, see paragraphs [0049] & [0054-0057]**).

Kim further teaches one disadvantage is that a user must wait a predetermined time to receive desired information (i.e., **broadcast**) where unwanted information (i.e., **broadcast**) is received, **see paragraph [0011]**).

Kim does not disclose a saving section that stores information indicating whether broadcast notification is necessary or unnecessary. However the limitation is known in the art of communications as evidenced by Ooe (US Pat 6,330,238).

Ooe discloses a saving section (see **Fig. 3 multicast table 3**) that stores information indicating (i.e., **multicast addresses**) whether broadcast notification is necessary or unnecessary (see **Fig. 1B steps S5-S7 & Col. 7 lines 4-35 & Col. 5 line 65 - Col. 6 lines 1-7**).

Ooe further teaches realizing a multi cast function while minimizing network traffic on a communication network, (see **Col. 2 Lines 25-32**)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to determine whether or not to display received broadcast notification information containing an identifier and data that would be necessary to a user as taught by Kim, by implementing a saving section that stores information indicating whether broadcast notification is necessary or unnecessary as taught by OOoe, for improved reception quality and user convenience.

Regarding Claim 13, the combination of Kim in view of Ooe disclose the broadcast data receiving terminal according to claim 12, wherein the saving section (see **Fig. 3 multicast table 3**) stores the information (see **Col. 5 line 65 - Col. 6 lines 1-7**) which is set based on whether or not the broadcast data has already been read (see **Fig. 1B**

**step S5**), and **which** indicates whether the broadcast notification is necessary or unnecessary (see **Fig. 1B steps S6 and S7 & Col. 7 lines 4-35**).

Regarding Claim 14, the combination of Kim in view of Ooe discloses the broadcast data receiving terminal according to claim 12, further comprising an information output section (see **Kim, Fig. 2 step 205**) that displays the broadcast notification information when the broadcast notification information is determined to be displayed in the determining section. (See **Kim, Fig. 1 Item 121 & paragraph [0057]**).

Regarding Claim 15, the combination of Kim in view of Ooe disclose the broadcast data receiving terminal according to claim 12, further comprising

a reception ending section (see **Ooe, Fig. 2 Item 1a**) that, when the broadcast notification information identifier stored in the saving section (see **Ooe, Fig. 3, table 3**) and the broadcast notification information identifier contained in the received broadcast notification information are the same (see **Ooe, Fig. 1B step S7**) ends reception of the broadcast notification information and skips sending receivable information for the broadcast data, (Ooe teaches when unnecessary (i.e., **same broadcast notification identifier**) broadcast information is received at step S5 of Fig. 1B, the processing is terminated, see **Col. 9 lines 45-55**).

Regarding Claim 17, Kim discloses a broadcast data communication method comprising:

a receiving step of receiving broadcast notification information containing a broadcast notification information identifier and broadcast data, **(See Paragraphs [0054-0056])**.

the broadcast notification information identifier correlated with the information indicating whether the broadcast notification is necessary or unnecessary, **(Referring to Fig. 1, item 103 searches only for traffic data that is necessary for the user which is then selected by Item 107, see paragraph [0049])**.

a determining step **(See Fig.1, Item 107)** of determining whether or not to display **(See Fig. 1 Item 121 & Paragraph [0066])** the received broadcast notification information by referring to the stored broadcast notification information identifier and the stored information indicating whether the broadcast notification is necessary or unnecessary using the broadcast notification information identifier contained in the received broadcast notification information, **(Kim teaches sending only necessary broadcast data to a user, see paragraphs [0049] & [0054-0057])**.

Kim further teaches one disadvantage is that a user must wait a predetermined time to receive desired information (i.e., **broadcast**) where unwanted information (i.e., **broadcast**) is received, **see paragraph [0011]**).

Kim does not disclose a saving step of storing information indicating whether broadcast notification is necessary or unnecessary. However the limitation is known in the art of communications.

Ooe discloses a saving step (**see Fig. 3 multicast table 3**) of storing information indicating (i.e., **multicast addresses**) whether broadcast notification is necessary or unnecessary (**see Fig. 1B steps S5-S7 & Col. 7 lines 4-35 & Col. 5 line 65 - Col. 6 lines 1-7**).

Ooe further teaches realizing a multi cast function while minimizing network traffic on a communication network, (**see Col. 2 Lines 25-32**)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to determine whether or not to display received broadcast notification information containing an identifier and data that would be necessary to a user as taught by Kim, by performing a saving step of storing information indicating whether broadcast notification is necessary or unnecessary as taught by Ooe, for improved reception quality and user convenience.

Regarding Claim 18, the combination of Ooe in Kim in view of Ooe disclose the broadcast data communication method according to claim 17, wherein the information which is set based on whether or not the broadcast data has already been read (**see**



**Fig. 1B step S5**), and which indicates whether the broadcast notification is necessary or unnecessary (see **Fig. 1B steps S6 and S7 & Col. 7 lines 4-35**), is stored (see **Col. 5 line 65 - Col. 6 lines 1-7**).

Regarding Claim 19, the combination of Kim in view of Ooe disclose the broadcast data communication method according to claim 17, further comprising a displaying step of displaying the broadcast notification information when the broadcast notification information is determined to be displayed, (See **Kim, Fig. 1 Item 121 & paragraph [0057]**).

Regarding Claim 20, the combination of Kim in view of Ooe disclose the broadcast data communication method according to claim 17, further comprising a reception ending step (see **Ooe, Fig. 2 Item 1a**) of, when the stored (see **Ooe, Fig. 3, table 3**) broadcast notification information identifier and the broadcast notification information identifier contained in the received broadcast notification information are the same(see **Ooe, Fig. 1B step S7**), ending reception of the broadcast notification information and skipping sending receivable information for the broadcast data. (Ooe teaches when unnecessary (i.e., **same broadcast notification identifier**) broadcast information is received at step S5 of Fig. 1B, the processing is terminated, see **Col. 9 lines 45-55**).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADNAN BAIG whose telephone number is (571) 270-7511. The examiner can normally be reached on Mon-Fri 7:30m-5:00pm eastern Every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADNAN BAIG/  
Examiner, Art Unit 2416

/Huy D. Vu/

Supervisory Patent Examiner, Art Unit 2416